

2 of 3 Former CIA Directors Oppose Too Many Restrictions of Covert Acts

By George Lardner

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Three former directors of the Central Intelligence Agency testified in a cavernous, nearly empty Senate hearing room yesterday about legislation to reform the nation's intelligence community. Only one thought it ought to include a ban on assassinations.

The other two, George Bush, who headed the CIA in 1976, and E. Henry Knoche, who served as acting director for several months under President Carter, told the Senate Intelligence Committee that they feared too many restrictions on covert CIA operations.

Knoche said he was worried that Congress might enact "a web woven so tight around the average intelligence officer that you're going to deaden his creativity."

The bill, introduced by most committee members in February after nearly three years of investigations and staff studies, would punish plots and attempts to assassinate foreign officials with life imprisonment and would prohibit a number of highly controversial activities. The ban would extend to covert operations such as those likely to result in "torture," the "creation of epidemics of diseases," and "creation of food or water shortages or floods."

Former CIA director William E. Colby, who guided the CIA through most of the investigations in 1975-76, found himself a minority of one at the witness table in urging that most of the proposed restrictions be adopted,

especially since "there's been so much noise made on these subjects."

Colby said he thought Congress should, by law, "make it clear what the limits are," as much as possible so that U.S. intelligence officers and agents at the ends of the world would know immediately when to "say no."

Bush, by contrast, found a number of faults with the 263-page bill to reorganize the U.S. intelligence agencies, particularly in the "excessive" number of reports to Congress that it would require.

"The congress should be informed, fully informed, but it ought not to micro-manage the intelligence business," Bush protested. He singled out one provision calling on the CIA to tell the Senate and House Intelligence committees in advance of any proposed agreement with a foreign intelligence or internal security service.

"I don't believe that kind of intimate disclosure is essential," Bush said. He said he was convinced that "some U.S. sources are drying up because foreign services don't believe the U.S. Congress can keep secrets."

Colby said he did not think the danger of leaks ought to be a bar to proper constitutional supervision, but he did propose stronger measures to protect intelligence sources and methods. He suggested that Congress provide for "criminal sanctions against those who are given authorized access to such information and then unconscionably reveal them." The CIA, at present, is limited primarily to civil lawsuits—and what Colby called "tortured constructions of con-

tract law and prior restraint"—to prevent publication of unauthorized disclosures.

Despite the assassination attempts and other abuses uncovered by congressional and executive branch investigations of the CIA and other intelligence agencies in 1975 and 1976, the testimony yesterday amounted to a strong pitch for strengthening the CIA in contrast to controlling it.

All three witnesses urged the senators to drop provisions that would permit a new director of national intelligence to be divorced from the CIA and devote himself full time to overseeing the entire U.S. intelligence community.

An intelligence czar attached to the White House and "separated from his CIA troops... would be virtually isolated," Bush contended. "He needs the CIA as his principal source of support to be most effective. And the CIA needs its head to be the chief foreign intelligence adviser to the president."

Colby said the CIA director not only should retain that dual capacity but also should at the same time remain in Langley, Va., which is "just far enough away from Washington" and its political infighting to maintain the CIA's tradition of "calling the shots as it sees them."

He also suggested that the committee explore the idea of "institutionalizing" the release of government intelligence reports to the public by putting them out regularly but anonymously "through intermediaries in Congress, academia and the media."

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